

REMARKS

Specification Objections

The Examiner stated that the applicant is required to provide a "BRIEF SUMMARY OF THE INVENTION" section heading. The applicant has included all required content as indicated in 35 U.S.C. §111 and 37 C.F.R. 1.51. The examiner has cited 37 C.F.R. 1.77(b) that states "the specification should include the following sections in order ... (6) Brief summary of the invention ..." This rule indicates only that the specification "should" include the listed sections. Therefore the "BRIEF SUMMARY OF THE INVENTION" section should not be required.

However, the applicant has amended the specification to include a "BRIEF SUMMARY" section including language from claim 1.

Claim Rejections

The Examiner rejected claims 1-30 under 35 U.S.C. §102(e) as being anticipated by Slane (U.S. 6,438,651).

Claims 1-6 are distinct over Slane, since Slane neither describes nor suggests at least "in response to a command to perform an enqueue or dequeue operation ... fetching from the memory to a cache one of either the head pointer or tail pointer," as recited by independent claim 1. Claims 14-25 are distinct over Slane, since Slane neither discloses nor suggests at least "a processor configured to: fetch from the memory to the cache one of either the head pointer or the tail pointer of a particular queue descriptor in response to a command to perform an enqueue or a dequeue operation," as recited by independent claim 14. Claims 26-30 are distinct over Slane, since Slane neither discloses nor suggests at least "an article comprising a computer-readable medium that stores computer-executable instructions for causing a computer system to: ... in response to a command to perform an enqueue or dequeue operation ... fetch from memory to a cache one of either a head pointer pointing to a first element in a queue or a tail pointer pointing to a last element in the queue," as recited by independent claim 26.

In response to Applicant's previous argument that "nowhere in the cited portions of Slane, or anywhere in Slane, are either elements 64 or 66 fetched from a memory to a cache," the Examiner states that "Slane teaches data structure, more specifically main memory includes circular buffer data structure having head and tail pointers as detailed in fig 2, col 3, line 40-42." First, just because Slane describes a circular buffer data structure having head and tail pointers and describes the circular buffer data structure as residing in main memory, does not necessarily mean that the head and tail pointers themselves reside in main memory, or that they are ever fetched from main memory to the cache. However, even if, for the sake of argument, we assume that Slane's head and tail pointers are stored in main memory and may eventually end up in the cache, Slane does not teach or even suggest that one of either the head pointer or the tail pointer is fetched from the memory to the cache in response to a command to perform an enqueue or a dequeue operation.

Claims 7-13 are distinct over Slane, since Slane neither discloses nor suggests at least "determining whether a head pointer or a tail pointer of a queue descriptor that was fetched from memory to a cache in response to an enqueue or dequeue operation had been modified by the enqueue or dequeue operation; and returning one of either the head pointer or tail pointer to the memory from the cache only if that pointer had been modified," as recited by amended independent claim 7.

As above, even if, for the sake of argument, we assume that Slane's head and tail pointers are stored in main memory and may eventually end up in the cache, Slane does not teach or even suggest that a head pointer or a tail pointer is fetched from memory to a cache in response to an enqueue or dequeue operation, or that one of either the head pointer or tail pointer is returned to the memory from the cache only if that pointer had been modified.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been

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expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Please apply any charges or credits to deposit account 06-1050.

1/18/05
Date: _____

Respectfully submitted,
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